



HOUSE BILL 763: Allow Alimony/Post Sep Supp During Marriage

2013-2014 General Assembly

Committee: Senate Judiciary I
Introduced by: Reps. Goodman, Jordan
Analysis of: Second Edition

Date: June 6, 2013
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SUMMARY: *House Bill 763 would permit a husband and wife to enter into a valid contract during the marriage to allow a spouse to waive, release, or establish alimony and postseparation support.*

BILL ANALYSIS:

Section 1 of House Bill 763 would add a new G.S. 52-10(a1) to allow a husband and wife to execute a contract, whether or not supported by valuable consideration, to waive, release or establish rights and obligations to postseparation support.

The contract would remain valid following a period of reconciliation and subsequent separation if all of the following conditions are met:

- The contract is in writing.
- The provision waiving releasing or establishing the rights or obligations is clearly stated in the contract.
- The contract was acknowledged before a certifying officer.

Evidence of the release would be allowable in an action or proceeding in which one spouse is seeking recovery of the rights released.

Section 2. G.S. 50-16(b) provides that an express provision in a valid separation agreement may bar claims for alimony, postseparation support, and counsel fees. The bill would add premarital agreements or contracts described in Section 1 to the types of agreements the express provisions of which may result in barring alimony, postseparation support, and counsel fees

EFFECTIVE DATE: This act is effective when it becomes law.

**Janice Paul, Staff Attorney, substantially contributed to this summary.*

